



US Army Corps
of Engineers®

Public Notice

Public Notice No. **03-78**

Date: **November 7, 2003**

Nashville District

Application No. **200301522**

37214.

Please address all comments to: Nashville District Corps of Engineers,
Regulatory Branch (Attn: Richard Graham), 3701 Bell Road, Nashville, TN

Telephone (615) 369-7507, Fax (615) 369-7501.

SUBJECT: Proposed Suction Dredging for Community Dock

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act (RHA) of 1899**. Even though the disposal of dredged material described in this notice occurs on the upland, the return water from a contained disposal area is administratively defined as a discharge of dredged material subject to the CWA. In this case, the return water from the proposed disposal area meets the criteria for authorization under Nationwide Permit (NWP) #16, dated March 18, 2002. The state of Tennessee issued a water quality certification for NWP #16 on March 21, 2002.

APPLICANT: Chuck Cowden
865 Tyree Access Road
Lebanon, Tennessee 37087

LOCATION: Mile 1.5R, Spencer Creek, Opposite Cumberland River Mile 236.5L, Old Hickory Lake, Wilson County, TN (Government Tract G-724; USGS Quad: Laguardo, TN; Latitude 36 deg 18 min 2 sec; Longitude 86 deg 27 min 51 sec; Cumberland River Navigation Chart No. 57).

DESCRIPTION: The proposed work consists of dredging approximately 600 cubic yards of material from the lake bottom at the subject location prior to the installation of a four-slip community dock. The proposed dredge site measures 80' x 100' x four feet deep. No dredging would occur within 10' of the Normal Summer Pool (NSP) shoreline. NSP for Old Hickory Lake is Elevation 445. The dredged material would be removed from the lake with a suction dredge and pumped to an upland, contained holding pond on private property for drying. Return water would be filtered prior to its runoff from the pond. Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among

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those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

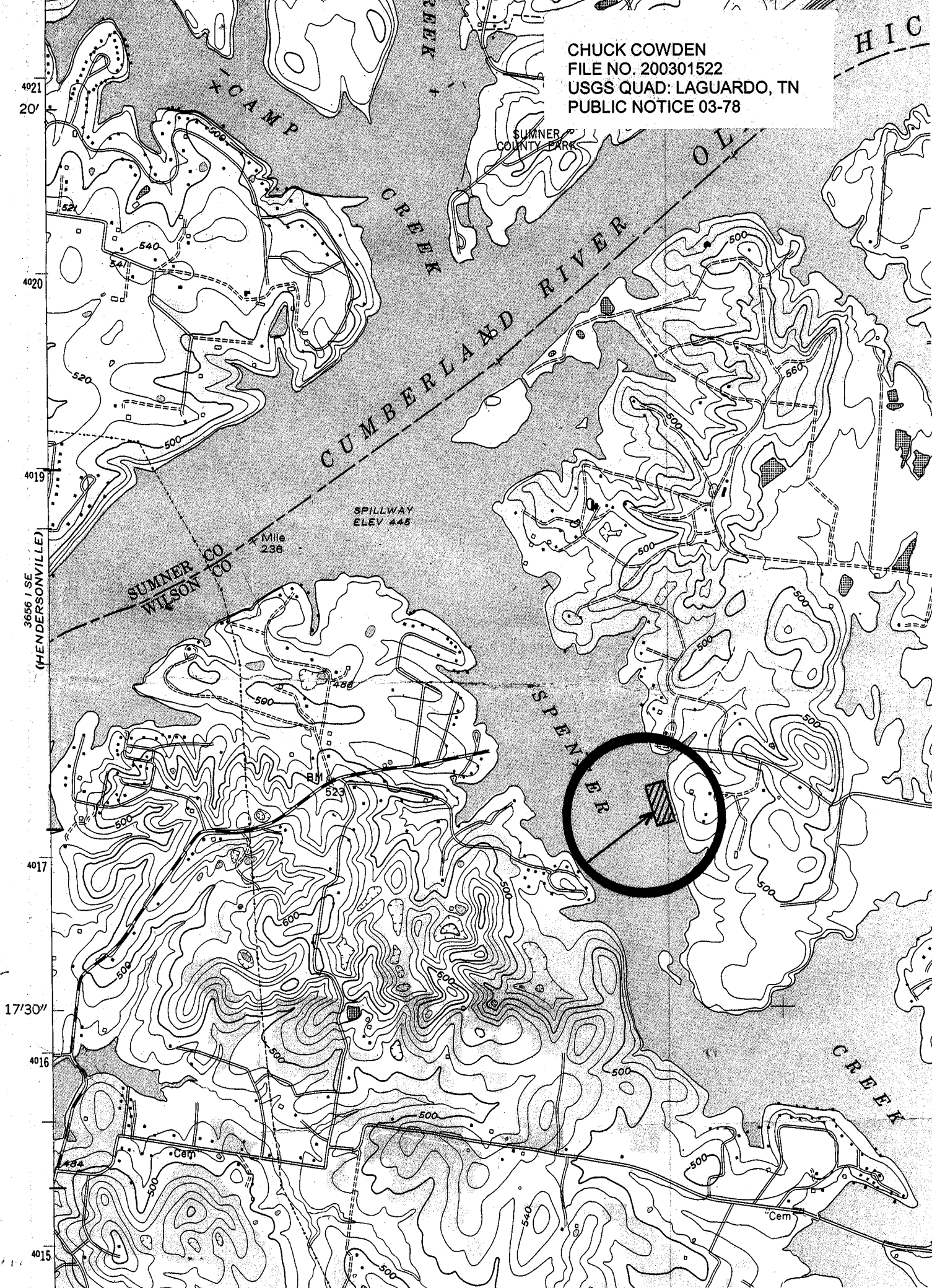
The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

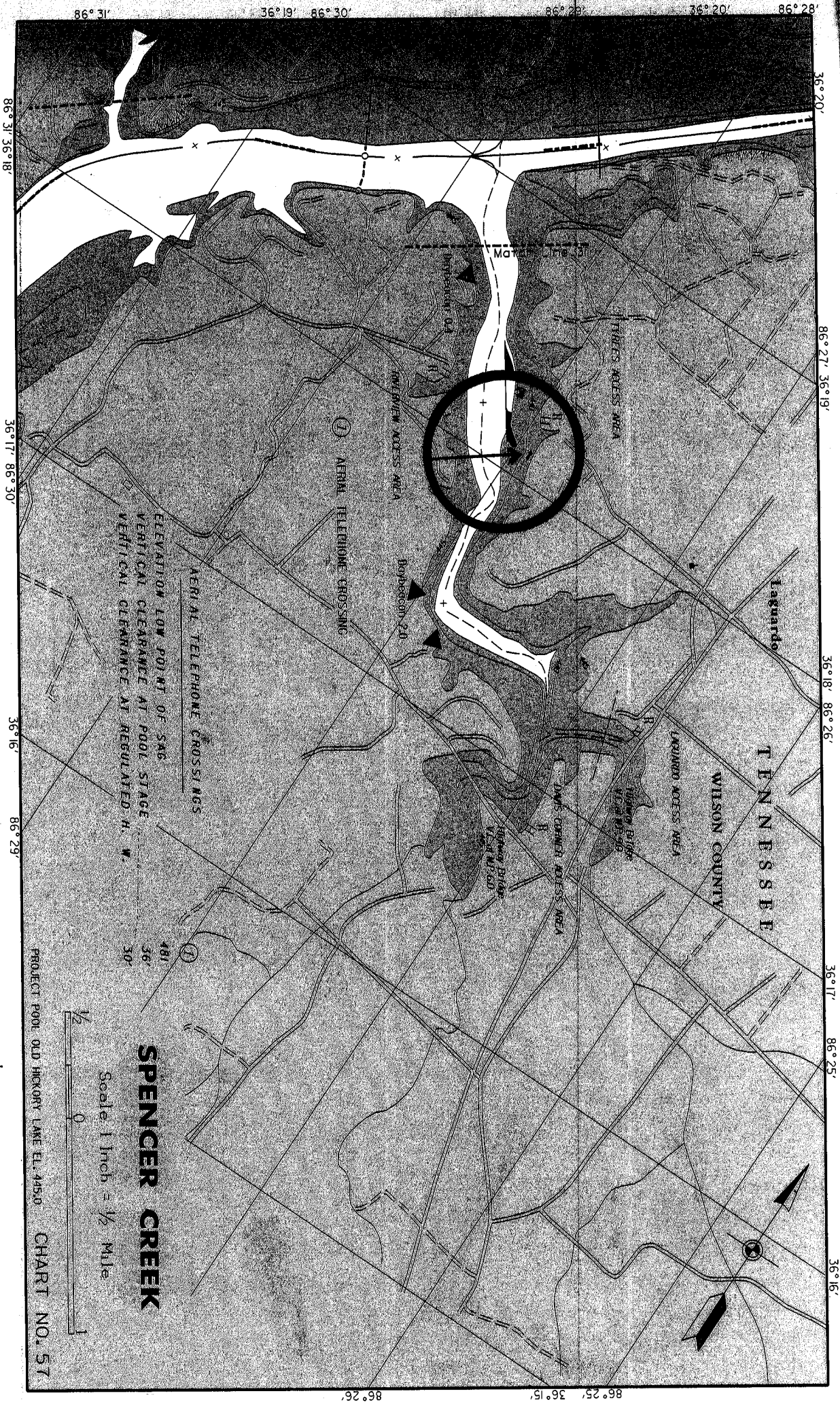
Other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **November 27, 2003**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501. The e-mail address is richard.graham@usace.army.mil.

CHUCK COWDEN
FILE NO. 200301522
USGS QUAD: LAGUARDO, TN
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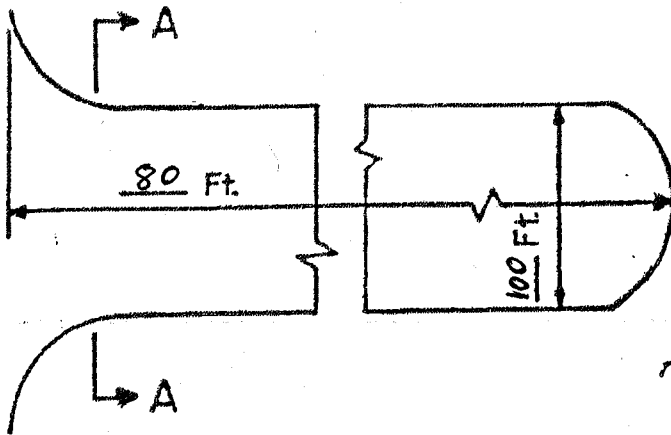


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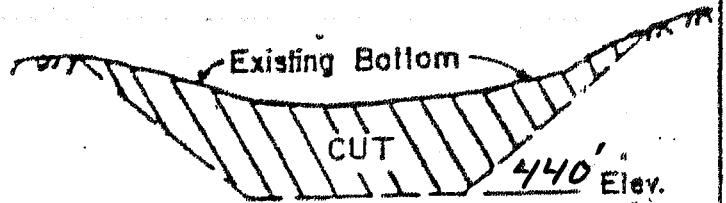


PROPOSED DREDGING

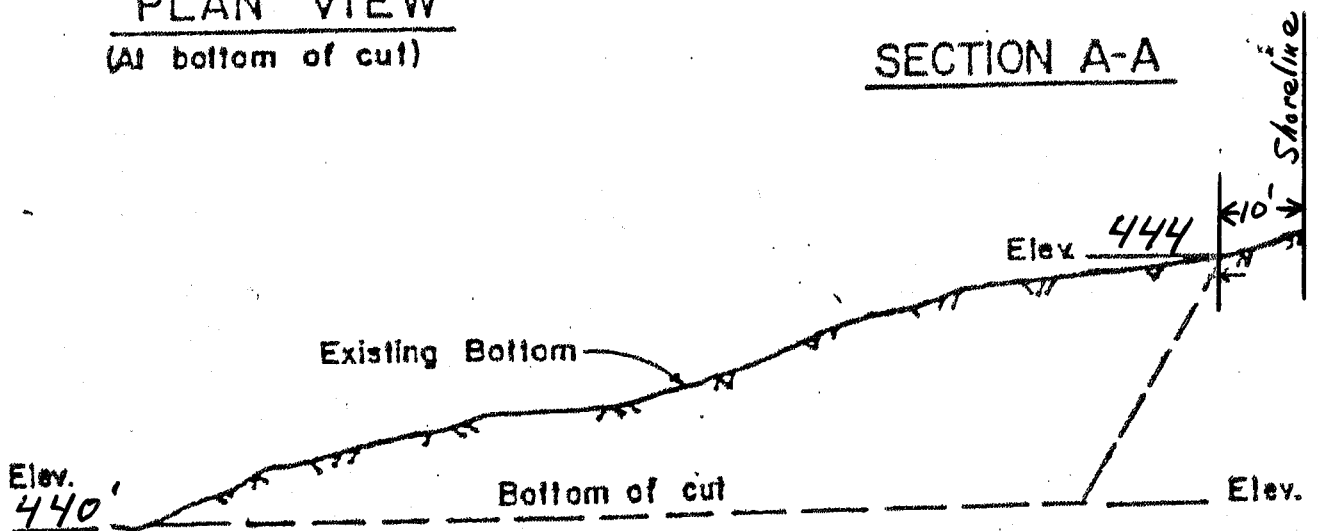
Applicant: CHUCK COWDEN
Address: 865 Tyree Access Road
Lebanon, TN. 37087
Phone No.: 615-443-8087



PLAN VIEW
(At bottom of cut)



SECTION A-A



PROFILE

Mile 1.5R Stream, Spencer Creek Opp. Cumberland River at Mile 236.5L

Left or Right Descending Bank (circle one).

Lake Old Hickory

Normal Pool Elevation 445.0 NSP

Gov. Tract No. G-724

Subdivision _____

Lot No. _____

Method and Equipment Used Cutterhead suction dredge

Where Spoil Material Will Be Placed Material would be pumped upland to private property, and placed in holding pond for settlement

Total Amount of Material To Be Dredged 600

Cu. Yds.

